

1 Tarek Isaak Mentouri  
2 1801 Glade Street  
3 Nashville, TN 37207  
4 Tmento01@gmail.com  
5 770-895-5046

2020 DEC 22 PM 2:24

MAILED  
FEB 16 2021 9:07 AM

6 **IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

03-20 1098

7 TAREK ISAAK MENTOURI, )  
8 Plaintiff, )  
9 vs. )  
10 THE JOINT CORP., d/b/a )  
11 THE JOINT CHIROPRACTIC )  
12 MANAGEMENT COMPANY; )  
13 101 WELLNESS VENTURES, )  
14 PLLC, )  
15 Defendants )

CV:  
**COMPLAINT FOR DISCRIMINATION  
IN VIOLATION OF THE AMERICANS  
WITH DISABILITIES ACT**

**(JURY DEMAND)**

16 **NATURE OF THE ACTION**

17 1. Plaintiff Tarek Isaak Mentouri ("Mentouri") brings this action to halt and seek redress  
18 for the unlawful discrimination pursuant to the Americans with Disabilities Act by The  
19 Joint Corp. and 101 Wellness Ventures PLLC (collectively "defendants") Mentouri is  
20 afflicted with Asperger Syndrome and Tourette Syndrome, conditions that U.S. law  
21 prohibits public places of business and recreation from discriminating against  
22 individuals based on said afflictions.  
23

24 **PARTIES**

25 2. Mentouri is a resident of Nashville, Tennessee and has been such a resident  
26 throughout the time of the events leading to this complaint.  
27  
28

1 3. The Joint Corp., d/b/a The Joint Chiropractic Management Company, is a corporation  
2 engaged in the business of offering personal services at over 500 chiropractic offices  
3 in 33 states. Its principal place of business is located at 16767 N. Perimeter Drive,  
4 Suite 110; Scottsdale, AZ 85260. Defendant can be served with process through C T  
5 Corporation System (C0168406), 818 West Seventh Street, Suite 930; Los Angeles,  
6 CA 90017.

7  
8 4. 101 Wellness Ventures, aka BDM Wellness Ventures 1, LLC, is the owner and  
9 operator of the Joint Chiropractic clinic in question. The company principally does  
10 business in Tennessee. It's principal office is located at 401 S. Mount Juliet Rd., Ste.  
11 245; Mount Juliet, TN 37122-8473. Defendant can be serve with process through  
12 William B. Goodman, aka Barry Goodman, 1731 Mallory Lane #109, Brentwood, TN  
13 37027-7986.

#### 14 **JURISDICTION**

15  
16 5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 28  
17 U.S.C. § 1332.

18  
19 6. Venue and personal jurisdiction in this District are proper because the Plaintiff resides  
20 in the District, and the acts in controversy occurred within the District. Defendants do  
21 and transact business within the District and throughout the United States.

#### 22 **FACTUAL ALLEGATIONS**

23  
24 7. Mentouri was a patient at The Joint Chiropractic in Brentwood, Tennessee. He'd been  
25 a patient since 2016 without issue.

26 8. Mentouri received a phone call from Dr. Ryan Footit on August 23, 2020. Dr. Footit  
27 said Mentouri is no longer welcome at The Joint Chiropractic because Mentouri  
28 makes "loud sounds" when the doctors are working on his back. There were incidents

1 that the doctors laughed at Mentouri when he allegedly made the "loud sounds." But  
2 Mentouri continued seeing the doctors at the Joint Chiropractic as it is necessary for  
3 his overall health and well-being.

- 4 9. Mentouri received a letter from Dr. Footit confirming "discharge from care." **See**  
5 **Attached Exhibit A (Footit letter)**. The letter, however, did not state the reason for  
6 the discharge that was given by phone. The letter did not state a reason at all.  
7  
8 Mentouri suffers from Asperger Syndrome, a developmental disorder that effects his  
9 ability to socialize and communicate. Aspergers is on the autism spectrum. Mentouri,  
10 due to his condition, is sometimes unaware of his social surroundings.  
11  
12 10. Mentouri also suffers from involuntary motor movements from time to time due to  
13 the foregoing, and Tourette Syndrome. Despite these conditions, Mentouri has lived a  
14 relatively normal life due to diligence with treatments and counseling for his  
15 conditions.  
16  
17 11. Mentouri's conditions had not affected his treatment schedule with The Joint  
18 Chiropractic at any point until August 23, 2020. He was blindsided by being  
19 discharged from care because of his disabilities. The actions by the Defendants  
20 violate, *inter alia*, Title III of the Americans with Disabilities Act.

- 21 12. Mentouri served the Defendant s a notice of claim on September 17, 2020. The 30-  
22 day deadline expire without a response from the Defendants.  
23

### 24 **FIRST CLAIM FOR RELIEF**

#### 25 **Violation of Title III of the Americans with Disabilities Act (42 U.S.C. § 12182)**

- 26 13. Plaintiff incorporates by reference each and every allegation contained in the  
27 foregoing paragraphs.  
28

1 14. Title III of the Americans with Disabilities Act ("ADA") provides that "no individual  
2 shall be discriminated against on the basis of disability in the full and equal enjoyment  
3 of the goods, services, facilities, privileges, advantages, or accommodations of any  
4 place of public accommodation by any person who owns, leases (or leases to), or  
5 operates a place of public accommodation." See 42 U.S.C. § 12182(a). The  
6 professional office of a health care provider is a public accommodation. 42 U.S.C. §  
7 12181(7)(F).  
8

9 15. Mentouri has two physical and mental impairments that substantially limits one or  
10 more major life activities and a record of such impairments exists. 42 U.S.C.  
11 § 12102(1).  
12

13 16. Mentouri suffers from both Asperger Syndrome and Tourette Syndrome. A Title III  
14 ADA claim must prove three elements:

- 15 • that Plaintiff is disabled within the meaning of the ADA;  
16 • that the Defendant owns, leases, or operates a place of public accommodation; and  
17 • that Plaintiff was denied public accommodation by the Defendant due to his or her  
18 disability.

19 17. A Plaintiff's complaint must allege "enough facts to state a claim to relief that is  
20 plausible on its face." *Twombly v. Bell Atlantic Corp.*, 550 U.S. at 570 (2007).  
21

22 18. This complaint lays out a set of facts that Plaintiff can prove, and entitle him to relief.  
23 See *Conley v. Gibson*, 355 U.S. 41,46, 78 S. Ct. 99, 102 (1957); Fed. R. Civ. P. 12(b)  
24 (6).  
25

## 26 **SECOND CLAIM FOR RELIEF**

### 27 **Discrimination Under Federal Grants and Programs (29**

1 19. Plaintiff incorporates by reference each and every allegation contained in the  
2 foregoing paragraphs.

3 20. Section 504 of the Rehabilitation Act provides that "no otherwise qualified individual  
4 with a disability in the United States, as defined in section 705(20) of this title, shall,  
5 solely by reason of her or his disability, be excluded from the participation in, be  
6 denied the benefits of, or be subjected to discrimination under any program or  
7 activity receiving Federal financial assistance. See 29 U.S.C. § 794(a).  
8

9 21. Program or activity is defined as an entire corporation, partnership, or other private  
10 organization, or an entire sole proprietorship if assistance is extended to such  
11 corporation, partnership, private organization, or sole proprietorship as a whole. See  
12 See 29 U.S.C. § 794(b)(3)(A)(i).  
13

14 22. The Joint Chiropractic received \$2.7 million in federal funds in April under the  
15 CARES Act Paycheck Protection Program provision. **See Attached Exhibit B (Press**  
16 **Release)**. The Paycheck Protection Program is part of the Coronavirus Aid, Relief,  
17 and Economic Security (CARES) Act, a federal stimulus program signed into law on  
18 March 27, 2020<sup>1</sup>.  
19

20 23. Mentouri was otherwise qualified to receive services from Joint Chiropractic since  
21 the company provided said services for nearly four years until its discrimination based  
22 on Mentouri's disabilities.  
23

### 24 **THIRD CLAIM FOR RELIEF**

#### 25 **Intentional Infliction of Emotional Distress**

26 24. Plaintiff incorporates by reference each and every allegation contained in the  
27 foregoing paragraphs.  
28

---

<sup>1</sup> <https://home.treasury.gov/policy-issues/cares/assistance-for-small-businesses>

1 25. The elements of an intentional infliction of emotional distress claim, as articulated by  
2 the Tennessee Supreme Court, are that the defendant's conduct was (1) intentional or  
3 reckless, (2) so outrageous that it is not tolerated by civilized society, and (3) resulted  
4 in serious mental injury to the plaintiff. *Rogers v. Louisville Land Co.*, 367 S.W.3d 196  
5 (2012).

6  
7 26. The defendants laughing and belittling the Plaintiff because of his disabilities, and  
8 their subsequent barring him from receiving further services, caused the Plaintiff  
9 unnecessary anxiety, depression and physical pain.

10 **PRAYER FOR RELIEF**

11  
12 27. Plaintiff respectfully prays for the following relief:

- 13 1. An award of appropriate compensatory and punitive damages under the ADA  
14 and Rehabilitation Act, for the intentional discrimination against the Plaintiff  
15 2. An award of compensatory and punitive damages for the state claim of  
16 intentional infliction of emotional distress.  
17 3. Any other relief that this Honorable Court deems appropriate.  
18

19 28. A TRIAL BY JURY IS HEREBY DEMANDED.  
20  
21

22 Respectfully submitted on this 22<sup>nd</sup> day of December, 2020

23  
24 

25 Tarek Isaak Mentouri  
26 1801 Glade Street  
27 Nashville, TN 37207  
28 Tmento01@gmail.com  
770-895-5046  
PRO SE PLAINTIFF